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14 Summit Entertainment, LLC

15  
16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA  
18  
19 WESTERN DIVISION

20 BETWEEN THE LINES  
21 PRODUCTIONS, LLC a California  
22 limited liability company,

23 Plaintiff,

24 v.

25 LIONS GATE ENTERTAINMENT  
26 CORP., a British Columbia corporation,  
27 and SUMMIT ENTERTAINMENT, LLC,  
28 a Delaware limited liability company,

29 Defendants.

30 Case No. 2:14-cv-00104-R (PJWx)

31 **DEFENDANT AND  
32 COUNTERCLAIMANT SUMMIT  
33 ENTERTAINMENT, LLC'S NOTICE  
34 OF MOTION AND MOTION IN  
35 LIMINE NO. 12 TO PRECLUDE  
36 PLAINTIFF AND COUNTER-  
37 DEFENDANT BETWEEN THE LINES  
38 PRODUCTIONS FROM  
39 INTRODUCING EVIDENCE OR  
40 ARGUMENT RELATED TO ITS  
41 DISMISSED ANTITRUST CLAIM**

42 Hon. Judge Manuel L. Real

43 Hearing Date: November 25, 2014  
44 Time: 9:00 a.m.  
45 Ctrm: 8

46  
47 AND RELATED COUNTERCLAIMS.

48 Complaint filed: Dec. 16, 2013  
49 Counterclaims filed: Jan. 27, 2014  
50 Trial Date: Nov. 25, 2014

1 TO THE ABOVE-CAPTIONED COURT AND TO PLAINTIFF AND ITS ATTORNEYS  
2 OF RECORD:

3 PLEASE TAKE NOTICE that on November 25, 2014 at 9:00 a.m., or at another  
4 date and time as ordered by the Court, in the United States District Court, Central District  
5 of California, located at 312 North Spring Street, Los Angeles, California 90012-4701,  
6 Defendant and Counterclaimant Summit Entertainment, LLC (“Summit”) will and hereby  
7 does move this Court for an order precluding Plaintiff and Counter-Defendant Between the  
8 Lines Productions, LLC (“BTL”) from introducing evidence, testimony or argument  
9 related to the antitrust claim it asserted against Summit and former defendant Lions Gate  
10 Entertainment Corp. (“Lions Gate”)<sup>1</sup> in the previous action that BTL voluntarily  
11 dismissed.

12 This motion is made on the grounds the evidence related to BTL’s voluntarily  
13 dismissed antitrust claim is irrelevant to BTL’s claims and defenses in this action, and  
14 admission of such evidence would only serve to confuse the issues, waste time, prejudice  
15 Summit and lead the jury to reach a conclusion based on BTL’s irrelevant and unproven  
16 contention that Summit has violated the Sherman Antitrust Act.

17 This motion is based on this notice of motion and motion, the memorandum of  
18 points and authorities filed concurrently herewith, all pleadings, papers and other  
19 documentary materials in the Court’s file for this action, those matters of which this Court  
20 may or must take judicial notice, and such other matters as this Court may consider in  
21 connection with the hearing on this matter.

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26<sup>1</sup> On October 20, 2014, the Court granted Lions Gate’s motion for summary  
27 adjudication as to all claims against it. (Dkt. 95.) Lions Gate is no longer a party to this  
28 action.

This motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on October 21, 2014. (Bost Decl. ISO MIL No. 1 ¶ 6.)

Respectfully submitted,

## SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Dated: October 28, 2014

By: /s/ Jill M. Pietrini

Jill M. Pietrini

## Attorneys for Defendants and Counterclaimant

PROOF OF SERVICE  
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 1901 Avenue of the Stars, Suite 1600, Los Angeles, CA 90067-6055.

On October 28, 2014, I served true copies of the following document(s) described as **DEFENDANT AND COUNTERCLAIMANT SUMMIT ENTERTAINMENT, LLC'S NOTICE OF MOTION AND MOTION IN LIMINE NO. 12 TO PRECLUDE PLAINTIFF AND COUNTER-DEFENDANT BETWEEN THE LINES PRODUCTION FROM INTRODUCING EVIDENCE OR ARGUMENT RELATED TO ITS DISMISSED ANTITRUST CLAIM** on the interested parties in this action as follows:

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**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 28, 2014, at Los Angeles, California.

/s/ Lynne Thompson  
Lynne Thompson

SMRH:434544255.2